

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6366

IN THE MATTER OF:

Served September 28, 2001

Application of THE BRADY COMPANY,)
INC., Trading as ACE LIMOUSINE,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2001-77

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant proposes commencing operations with nine vehicles. Applicant's proposed tariff contains airport transfer rates and hourly charter rates with minimum charges.

Applicant filed a balance sheet as of July 1, 2001, showing assets of \$195,534; liabilities of \$237,228; and negative equity of \$41,694. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$422,670; other revenue of \$140,890; expenses of \$527,859; and net income of \$35,701.

Although applicant's negative equity raises the issue of applicant's financial fitness, the record supports a finding in applicant's favor. An applicant must demonstrate financial fitness by showing the present ability to sustain operations during its first year under WMATC authority.¹ Applicant is a going concern and projecting positive net cash flow during the first twelve months of WMATC operations. We have found other carriers fit under similar circumstances.²

Applicant certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

¹ In re Am-Van, Inc., t/a AAA Transport and All American Ambulance & Transport, No. AP-00-70, Order No. 6012 (Oct. 4, 2000); In re Logisticare Solutions, LLC, t/a Logisticare, No. AP-99-86, Order No. 5783 (Jan. 13, 2000).

² E.g., Order No. 6012 (same); Order No. 5783 (same).

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

THEREFORE, IT IS ORDERED:

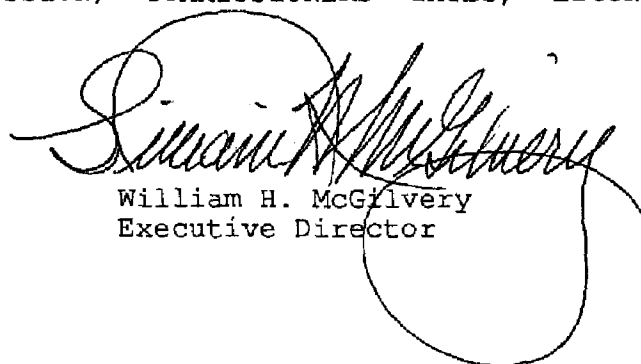
1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 645 shall be issued to The Brady Company, Inc., trading as Ace Limousine, 5008 Stewart Court, College Park, MD 20740.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, LIGON, AND MILLER:



William H. McGilvery
Executive Director